IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 19806 of 2002

Between:

K.D.Reservoir, Fisherman Cooperative Society,

Gandhi Jana Sangham, Sangham Mandal,

Nellore Dist., rep. by its

President P.Seshaiah.

..... PETITIONER

AND

1 The commissioner and director of Fisheries,

Govt. of A.P., Hyderabad.
2 The District Collector, Nellore, Nellore Dist.
3 The Assistant director of Fisheries, Nellore.
4 The Fisheries Development Officer,

Buchireddypalem, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of a mandamus or any other appropriate writ order or direction, declaring the action of the 2nd respondent in not disposing of the representation of the petitionerdt.18-3-2002 and on the other hand issuing a notice by the 4th respondent in Rc.No.KDR/2000 DT.17-9-2002 issued by the 4th respondent in directing the petitioner to pay the lease amounts as per the revised rates as illegal, arbitrary violative of principles of natural justice and contrary to G.O.Ms.No.70 Animal Husbandry Dairy Development and Fisheries (Fish-II) Department dt.16-10-2000 and consequently direct the respondents to collect the lease amount from the

petitioner at the rate of Rs.5,80,000/- per year

Counsel for the Petitioner: MR.M.SUBBA REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

At the time of hearing of the vacate stay petition, on the request of the learned counsel on either side, the main writ petition itself is taken up for disposal.

Heard the learned counsel for the petitioner and the learned Government Pleader for fisheries.

The petitioner's grievance is that leasehold rights for fishing in kanigiri-Duvvuru Reservoir in its' favour were granted on 10-11-1999 for a period of five years. Now the respondent no.3 sought to reduce the period of five years to three years and also enhance the lease amount substantially, for which the petitioner filed several representations earlier. Even in the representation filed dated 18-03-2002, the petitioner raised several aspects which requires to be considered. Hence, this writ petition is filed seeking mandamus declaring the action of second respondent in not considering the afore said representation dated 18-03-2002 and also challenging the notice dated 17-09-2002 enhancing the lease amount.

The Government Pleader appearing for the respondents herein, though filed a counter affidavit, there is no reference to any orders being passed on the representation dated 18-03-2002. Yet, it is submitted that the earlier representations have already been disposed, as per orders dated 10-09-2001.

Having considering the submissions made on either side and also on perusal of the material, it is seen that in view of the fact that the main grievance of the petitioner being only for consideration of the representation filed on 18-03-2002, it is not necessary to go into the merits of the case, more so when the same representation of the petitioner is pending.

In the circumstances, the writ petition is disposed of directing the second

respondent to dispose of the said representation dated 18-03-2002 by giving notice and pass orders within a period of one month from the date of receipt of this order.

_____

19-07-2004

vs

To

1 The commissioner and director of Fisheries,

Govt. of A.P., Hyderabad.
2 The District Collector, Nellore, Nellore Dist.
3 The Assistant director of Fisheries, Nellore.
4 The Fisheries Development Officer,

Buchireddypalem, Nellore District.

5 Two CCs to the G.P. for Revenue, High Court Buildings,

Hyderabad (O.U.T).

6 Two CD copies.